

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

DR. BABU SUBRAMANIAM,

Plaintiff,

v.

1:09-cv-93

**DR. ROBERT CENTENO, ST. CROIX
DISTRICT GOVERNING BOARD OF
DIRECTORS, JUAN F. LUIS HOSPITAL,
and MEDICAL CENTER, A DIVISION OF
THE GOVERNMENT OF THE VIRGIN
ISLANDS,**

Defendants.

**TO: Lee Rohn, Esq.
Edward L. Barry, Esq.
Royette V. Russell, Esq.**

ORDER

THIS MATTER came before the Court upon Defendant Robert Centeno, M.D.'s Motion to Stay Discovery (Docket No. 24). Plaintiff filed a response in opposition to said motion, and said Defendant filed a reply thereto.

Said Defendant seeks a stay of discovery until the pending motions to dismiss are decided.

It is well established that the “decision to stay discovery pending resolution of a potentially dispositive motion is within the discretion of the district court.” *Ball v. Oden*, Civil No. 1:CV-09-0847, 2010 WL 598653 at *7 (M.D. Pa. February 17, 2010) (slip copy) (citations omitted). While a “stay of discovery is not appropriate *solely* because a motion to dismiss is pending a stay can be proper ‘where the likelihood that such motion may result in a narrowing or an outright elimination of discovery outweighs the likely harm to be produced by the delay.’” *Id.* (citations omitted) (emphasis added).

In the matter at bar, the motions to dismiss center upon the allegation that Plaintiff has failed to exhaust the grievance and arbitration procedures required by the collective bargaining agreement between the Association of Hospital Employed Physicians, of which Plaintiff admits he is a member, and Defendant Juan Luis Hospital and Medical Center.

Clearly, if the motions to dismiss are resolved in favor of Defendants, such resolution would eliminate discovery outright. Such a result outweighs any harm or prejudice that might be produced by staying discovery until the motions are resolved.

Accordingly, it is now hereby **ORDERED**:

1. Defendant Robert Centeno, M.D.’s Motion to Stay Discovery (Docket No. 24) is **GRANTED**.

2. All discovery in the above-captioned matter is **STAYED** until the pending motions to dismiss have been decided or until further order of this Court.

ENTER:

Dated: May 3, 2010

/s/ George W. Cannon, Jr.

GEORGE W. CANNON, JR.

U.S. MAGISTRATE JUDGE